

Report of:	Director of Legal And Governance Services Executive Member for Legal And Governance Services
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Submitted to:	Standards Committee
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Date:	17 October 2022
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Title:	Quarterly update report to Standards Committee
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Report for:	Discussion
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Status:	Public
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Strategic priority:	Quality of service
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Key decision:	No
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Why:	Report is for information only
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Urgent:	No
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Why:	Not applicable
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Executive summary

This report provides a quarterly update to the Standards Committee in regards to the recent and current position concerning Code of Conduct Complaints so that the committee has assurance about the practice and process.

The report also updates the committee in regards to the recommendations made at the Standards Hearing on the 11th May 2022 in regards to breaches of the Code of Conduct by Councillor McTigue.

Purpose

1. To provide information only by way of a quarterly update to the Standards Committee in regards to the recent and current position concerning Code of Conduct Complaints so that the committee has assurance about the practice and process.
2. To update the committee in regards to the recommendations made at the Standards Hearing on the 11th May 2022 in regards to breaches of the Code of Conduct by Councillor McTigue.

Background and relevant information

3. This report is provided to committee members to give an overview of the current, and recent position in regards to the Code of Conduct complaints received.

Year (Jan-Dec)	Total complaints	Member on Member	Other on Member (ie member of public, officer)	No. withdrawn/not progressed by complainant	No. rejected	No. resolved informally	No. to investigation	No. to standards Committee after investigation
2019	27	9	18	4	9	10	4	3
2020	31	4	27	17	13	1	2	1
2021	33	13	20	1	4	17	4	1
2022 (to date)	9	3	6	2	0	2	0	0

4. There is 1 complaint from 2020, and 6 complaints from 2021 at various stages of the process which have not yet concluded. We are unable to give any specifics about those complaints at this time so as not to prejudice any outcomes, and/or create a conflict should any of those complaints need to come to Standards Committee at a future date.

This is an update to the figures previously given whereby it has been clarified 2 of the 2021 complaints had been resolved previously as follows:

Ref 11247 – Complaint was rejected in consultation with the Independent Person.

Ref 11731 – Concluded by way of investigation as per the update given to the standards committee on the last occasion.

5. There have been 9 complaints submitted to date in 2022, 2 of which were subsequently withdrawn by the complainant, 2 have been resolved, leaving 5 ongoing.
6. Since the last quarterly update, 1 further complaint from 2022 has been resolved (included in the figures at para 4), the details of which are as below:

Ref 14031 – A complaint against a Councillor from a Member of the Public in which it was alleged that the Councillor had misused council resources and had brought the Local Authority into disrepute. The complaint was resolved by way of informal resolution and appropriate advice and guidance was given. Complaint made 28.04.22, resolved 22.07.22.

7. On 11th May 2022 the Standards Committee, in consultation with the Independent Person, ordered that sanctions were imposed on Councillor J McTigue as a result of a number of breaches of the Members Code of Conduct. An update in regards to those sanctions is provided as follows:

1. Councillor McTigue to provide a written apology to the Council employee who was the subject of the complaint, by 6 July 2022, with a copy provided to the Standards Committee. **UPDATE:** Not complied with. Cllr McTigue has refused to write the letter to date.
2. Councillor McTigue to receive one-to-one training on the appropriate use of social media and the Member/Officer Protocol, to be provided by the relevant Council Officer(s), and this should be completed by 6 July 2022. **UPDATE:** Not complied with. Training was offered however Cllr McTigue refused to participate.
3. Councillor McTigue to be subject of a motion of public censure at the Council meeting scheduled for 6 July 2022. **UPDATE:** The motion to censure was considered at the Council meeting of 7 September 2022 however was not heard due to a procedural motion which was submitted at the time, voted on and it was moved to move on to the next order of business.
4. Should sanctions 1 and 2 above not be completed within the stated timescale, Councillor McTigue would be subject to further public censure.

UPDATE: The committee should consider whether there should be public censure for Councillor McTigue given sanctions 1 and 2 have not been complied with as set out above.

As well as the issue of public censure the committee may also wish to seek the views of the Independent Person John Race as to whether or not additional or alternative sanctions would be appropriate in the circumstances.

8. At the meeting of this committee on 8th July 2022 concern was expressed regarding the length of time taken for some of the complaints and how much longer it might take for them to be resolved. It was explained that some complaints could have been complex or include matters that were not in the Council's control, however it was agreed that Standards Committee would be provided with information in relation to the length of time taken for some of the complaints and how much longer it might take for them to be resolved as well as the costs.

9. Current ongoing complaints – timescales and progress.

Ref Number	Date Submitted	Current Stage	Next Steps
10969	02.12.20	On hold pending outcome of other concurrent external proceedings outside of code of conduct process.	Awaiting outcome
11234	13.01.21	Has been investigated and is progressing to a standards hearing	Awaiting date of hearing

11924	12.05.21	Awaiting outcome of linked cross complaint which is subject to investigation	Awaiting outcome
12114	16.06.21	External investigation ongoing.	Awaiting outcome.
12332	16.06.21	Part of 12114 above.	Awaiting outcome.
12541	09.09.21	Views of IP have been obtained and complaint was accepted.	Decision to be made as how to resolve
12548	12.09.21	As above 12548 – same issue, different complainant	As above
13799	10.02.22	Currently on hold at request of complainant	To be kept under review
14052	03.05.22	Views of IP have been obtained	Decision to be made as to whether to accept/reject and the next steps.
14801	26.08.22	Views of IP have been obtained	Decision to be made as to whether to accept/reject and the next steps.
14843	05.09.22	Views of IP have been obtained	Decision to be made as to whether to accept/reject and the next steps.
14992	28.09.22	New complaint	To be sent to IP for consideration

10. External Costs associated with code of conduct complaints over the last three years is as follows:

YEAR	TOTAL COST
2020	0
2021	£45,814
2022 (to date)	£1,981

This of course does not take into account internal resources used to deal with each complaint, primarily officer time.

What decision(s) are being recommended?

11. That the Standards Committee consider whether any additional or alternative action is required further to the recommendations being made at the Standards Committee Hearing on 11th May 2022 in respect of breaches of the Code of Conduct by Councillor McTigue not being complied with.

Rationale for the recommended decision(s)

12. It is for the Standards Committee, with the assistance of the Independent Person John Race if they so wish, to consider whether or not additional or alternative sanctions for

Councillor McTigue would be appropriate in the circumstances of the non compliance with the previous recommendations made.

Other potential decision(s) and why these have not been recommended

13. The alternative is to 'do nothing' however the committee may be of the view that this would undermine the standards process.

Impact(s) of the recommended decision(s)

Legal

14. There is no legal impact.

Strategic priorities and risks

15. Not applicable.

Human Rights, Equality and Data Protection

16. There are no issues of equality and diversity.

Financial

17. There is no financial impact.

Actions to be taken to implement the recommended decision(s)

18. To be determined dependent on recommendations of the committee.

Action	Responsible Officer	Deadline

Appendices

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Background papers

No background papers were used in the preparation of this report.

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